

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:11CR375
Plaintiff,)	
)	
v.)	
)	ORDER
MOISES MEJIA-FLORES,)	
)	
Defendant.)	
_____)	

This matter is before the court on the defendant's motion in limine for an order identifying the evidence that has been suppressed and precluding the government from using or referring to such evidence at trial or allowing witnesses to refer to such evidence, Filing No. [47](#). This court has ordered that the defendant's statements should be suppressed. Filing No. [45](#), Memorandum and Order at 20. However, the court found that the evidence of identity would have inevitably been discovered in the civil context. *Id.* at 19.

The defendant argues that all of the statements made by him during the administrative process should be inadmissible as fruit of the poisonous tree, and further, all documents containing said information should also be excluded because they memorialize defendant's statements in written form.¹ Those documents would include defendant's "A" file or immigration file.

In its earlier order, the court rejected the defendant's fruit of the poisonous tree argument, noting that the suppression of the defendant's statements was largely an

¹Defendant does not argue that the identification card found on his person should be inadmissible. See Filing No. 47, Motion in Limine at 3.

academic exercise. *Id.* at 11 n.2, 19. “The ‘body’ or identity of a defendant or respondent in a criminal or civil proceeding is never itself suppressible as a fruit of an unlawful arrest, even if it is conceded that an unlawful arrest, search, or interrogation occurred.” [*I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1039-40 \(1984\)](#). Accordingly, the court will not revisit its earlier order.

IT IS ORDERED that defendant’s Motion in Limine to Have Suppressed Evidence Identified and to Preclude Such Evidence from Being Introduced or Discussed at Trial, (Filing No. [47](#)) is denied.

DATED this 15th day of March, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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